

AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2161

Introduced by Assembly Member Hancock

February 21, 2006

An act to add ~~Section 16519~~ *Sections 16519 and 16519.5* to the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, as amended, Hancock. Child welfare services: resource family pilot program.

Existing law requires the placement of dependent children by the juvenile court according to specified procedures. Existing law requires the state, through the State Department of Social Services and county welfare departments, to establish and support a system of statewide child welfare, which includes services related to foster care placement of dependent children and adoption. Existing law provides for the licensure of foster care providers, and the approval of adoptive parents.

This bill would require the State Department of Social Services, in consultation with county welfare agencies, to ~~develop and implement~~ a pilot program to establish a unified resource family approval process to replace the existing multiple processes for licensing foster family homes, approving relatives and nonrelated extended family members as foster care providers, and approving adoptive families, as provided in the bill. The bill would define a resource family for its purposes as an individual or couple that a participating county has approved to care for a related or unrelated child who is under the jurisdiction of the

juvenile court or otherwise in the care of a county child welfare agency.

This bill would require the department to, prior to implementing the pilot program, promulgate standards for home approval and permanency assessment for placing children in a resource family.

This bill would require the pilot program to be conducted in up to 5 counties that volunteer to participate. It would authorize the pilot program to continue through the 2009–10 fiscal year, or for 3 full fiscal years following the receipt of funding for the program, whichever is later.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Existing law requires that a child be in one of 7 designated placements in order to be eligible for AFDC-FC.

This bill also would require a child placed in a resource family home *that meets specified standards* to be eligible for AFDC-FC. By expanding eligibility standards for AFDC-FC benefits, this bill would make an appropriation. The bill would provide that a resource family be paid a specified AFDC-FC rate, and would apply existing sharing ratios for state financial participation.

This bill would make its implementation contingent upon the continued availability of federal funds for costs associated with the placement of children with resource families as provided in the bill.

The bill would also set forth specified responsibilities for the department and counties participating in the pilot program for implementing and enforcing standards provided in the bill.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16519 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 16519. The Legislature finds and declares the following:
- 4 (a) Safety, permanency, and well-being are crucial for the
- 5 more than 82,000 California children in foster care, and are

1 paramount to achieving both federal and state child welfare
2 system improvement goals. Foster children need safe homes with
3 permanent connections to family or other caring adults. The
4 current licensing and approval system, which screens families to
5 care for foster children, fails to support these outcomes.

6 (b) Children in foster care live in a variety of out-of-home
7 care settings: licensed foster family homes, approved relative
8 and nonrelated extended family member homes, foster family
9 agencies, and group homes. All of these placement types,
10 considered facilities under current law, are required to meet the
11 respective health and safety standards in order to be licensed or
12 approved. This has produced administrative inefficiencies and
13 confusion among stakeholders, and has contributed to difficulty
14 in recruiting suitable foster family homes for children in
15 out-of-home care. Increasing the number of available suitable
16 homes will improve the likelihood that the best home will be
17 initially identified to meet a child's particular needs.

18 (c) Child safety and well-being are not achieved solely by
19 ensuring that the home the child is placed in is free from physical
20 hazards and that adults living in the home do not have
21 disqualifying criminal convictions or past reports of child abuse.
22 Child safety and well-being are also dependent upon
23 consideration of the resource family's psychosocial history that
24 includes physical health, mental health, alcohol and substance
25 abuse, family violence or abuse, and experience caring for
26 children.

27 (d) Research shows that children in out-of-home care placed
28 with relatives and nonrelated extended family members are more
29 stable, more likely to be placed with siblings, and more likely to
30 stay connected to their community and extended family.
31 California statutory and regulatory provisions should maximize
32 the likelihood that a child will initially be placed in the care of a
33 safe relative or nonrelated extended family member who is
34 willing to provide permanent care if reunification cannot be
35 achieved.

36 (e) Families living in the same neighborhood as a family from
37 which a child has been removed are often best suited to provide
38 for the immediate placement needs of that child.

1 (f) Families who provide care to children in out-of-home
2 placement are a valuable resource to the people of this state and
3 to the children for whom they provide care.

4 SECTION 1.

5 SEC. 2. Section ~~16519~~ 16519.5 is added to the Welfare and
6 Institutions Code, to read:

7 ~~16519.~~

8 16519.5. (a) The State Department of Social Services, in
9 consultation with county child welfare agencies, foster parent
10 associations, and other interested community parties, shall
11 ~~develop and~~ implement a pilot program to establish a unified,
12 family friendly, and child-centered resource family approval
13 process to replace the existing multiple processes for licensing
14 foster family homes, approving relatives and nonrelated extended
15 family members as foster care providers, and approving adoptive
16 families.

17 (b) ~~(1)~~ Up to five counties shall be selected to participate on a
18 voluntary basis in the pilot program, according to criteria
19 developed by the department in consultation with the County
20 Welfare Directors Association.

21 ~~(2) Prior to implementing the pilot program, the department~~
22 ~~shall establish standards for a unified home approval and~~
23 ~~permanency assessment of a resource family, and the~~
24 ~~requirements for placement in a resource family.~~

25 (c) (1) For the purposes of this section, “resource family”
26 means an individual or couple that a participating county has
27 approved to care for a related or unrelated child who is under the
28 jurisdiction of the juvenile court, or otherwise in the care of a
29 county child welfare agency. *A resource family shall demonstrate*
30 *all of the following:*

31 (A) *An understanding of the safety, permanence, and*
32 *well-being needs of children who have been victims of child*
33 *abuse and neglect, and the capacity and willingness to meet*
34 *those needs, including the need for protection, and the*
35 *willingness to make use of support resources offered by the*
36 *agency, or a support structure in place, or both.*

37 (B) *An understanding of children’s needs and development,*
38 *effective parenting skills or knowledge about parenting, and the*
39 *capacity to act as a prudent parent in routine decisionmaking.*

1 (C) *An understanding of his or her role as a resource family*
2 *and the capacity to work cooperatively with the agency in*
3 *implementing the child's case plan.*

4 (D) *The financial ability within the household to ensure the*
5 *stability and financial security of the family.*

6 (2) Subsequent to approval, a resource family shall be
7 considered eligible to provide foster care for related and
8 unrelated children in out-of-home placement, shall be considered
9 approved as an adoptive family, and shall not have to undergo
10 any additional approval or licensure as long as the family lives in
11 a county participating in the pilot program.

12 (3) Resource family assessment and approval means that the
13 applicant meets the standard for home approval, and has
14 successfully completed a permanency assessment. This approval
15 is in lieu of the existing foster care license, relative or nonrelated
16 extended family member approval, and the adoption home study
17 approval.

18 (4) Approval of a resource family does not guarantee an initial
19 or continued placement of a child with a resource family.

20 (d) *Prior to implementation of this pilot program, the*
21 *department shall adopt standards pertaining to home approval*
22 *and permanency assessment of a resource family.*

23 (1) *Resource family home approval standards shall include,*
24 *but not be limited to, all of the following:*

25 (A) (i) *Criminal records clearance of all adults residing in the*
26 *home, pursuant to Section 8712 of the Family Code, utilizing the*
27 *California Law Enforcement Telecommunications System*
28 *(CLETS), a check of the Child Abuse Central Index (CACI), a*
29 *check of the Child Welfare Services Case Management System*
30 *(CWS/CMS), and receipt of LiveScan, unless an exemption is*
31 *granted.*

32 (ii) *Consideration of any prior allegations of child abuse or*
33 *neglect against either the applicant or any other adult residing in*
34 *the home. An approval may not be granted to applicants whose*
35 *criminal record indicates a conviction for any of the offenses*
36 *specified in clause (i) of subparagraph (A) of paragraph (1) of*
37 *subdivision (g) of Section 1522 of the Health and Safety Code.*

38 (iii) *Exemptions from the criminal records clearance*
39 *requirements set forth in this section may be granted by the*
40 *director using the exemption criteria currently used for foster*

1 care licensing as specified in subdivision (g) of Section 1522 of
2 the Health and Safety Code.

3 (B) Buildings and grounds, outdoor activity space, and
4 storage requirements set forth in Sections 89387, 89387.1, and
5 89387.2 of Title 22 of the California Code of Regulations.

6 (C) In addition to the foregoing requirements, the resource
7 family home approval standards shall also require the following:

8 (i) That the applicant demonstrate an understanding about the
9 rights of children in care and his or her responsibility to
10 safeguard those rights.

11 (ii) That the total number of children residing in the home of a
12 resource family shall be no more than the total number of
13 children the resource family can properly care for, regardless of
14 status, and shall not exceed six children, unless exceptional
15 circumstances that are documented in the foster child's case file
16 exist to permit a resource family to care for more children,
17 including but not limited to, the need to place siblings together.

18 (D) The results of a caregiver risk assessment are consistent
19 with the factors listed in subparagraphs (A) to (C), inclusive. A
20 caregiver risk assessment shall include, but not be limited to,
21 physical and mental health, alcohol and other substance use and
22 abuse, and family and domestic violence.

23 (2) The resource family permanency assessment standards
24 shall include, but not be limited to, all of the following:

25 (A) The applicant shall complete caregiver training, a
26 psychosocial evaluation, and any other activities that relate to a
27 resource family's ability to achieve permanency with the child.

28 (B) The permanency assessment shall be completed within 90
29 days of the child's placement in the approved home, unless good
30 cause exists based on the unique circumstances of the family.

31 (3) (A) A child may be placed with a resource family that has
32 received home approval prior to completion of a permanency
33 assessment only if a compelling reason for the placement exists
34 based on the needs of the child.

35 (B) If additional time is needed to complete the permanency
36 assessment, the county shall document the extenuating
37 circumstances for the delay and generate a timeframe for the
38 completion of the permanency assessment.

1 (C) The county shall report to the department on a quarterly
2 basis the number of families whose permanency assessment goes
3 beyond 90 days and summarize the reasons for these delays.

4 (4) A child may be placed with a relative or nonrelated
5 extended family member prior to home approval and completion
6 of the permanency assessment only on an emergency basis if all
7 of the following requirements are met:

8 (A) (i) Criminal records clearance of all adults residing in the
9 home, pursuant to Section 8712 of the Family Code, utilizing the
10 California Law Enforcement Telecommunications System
11 (CLETS), a check of the Child Abuse Central Index (CACI), a
12 check of the Child Welfare Services Case Management System
13 (CWS/CMS), unless an exemption is granted pursuant to
14 subdivision (g) of Section 1522 of the Health and Safety Code.

15 (ii) Within 10 judicial days following the criminal records
16 check conducted through CLETS, the social worker shall ensure
17 that a fingerprint clearance check of the relative, and any other
18 person whose criminal record was obtained pursuant to this
19 subdivision, is initiated through the Department of Justice to
20 ensure the accuracy of the criminal records check conducted,
21 and shall review the results of any criminal records check
22 conducted pursuant to this subdivision to assess the safety of the
23 home.

24 (iii) The Department of Justice shall forward fingerprint
25 requests for federal level criminal history information to the
26 Federal Bureau of Investigation pursuant to this section.

27 (B) The home and grounds are free of conditions that pose
28 undue risk to the health and safety of the child.

29 (C) For any placement made pursuant to this paragraph, the
30 county shall initiate the home approval process no later than five
31 business days after the placement, which shall include a
32 face-to-face interview with the resource family applicant and
33 child.

34 (D) For any placement made pursuant to this paragraph,
35 AFDC-FC funding shall not be available until the home has been
36 approved.

37 (e) The State Department of Social Services shall be
38 responsible for all of the following:

1 (1) Selecting pilot counties, based on criteria established by
2 the department in consultation with the County Welfare
3 Directors Association.

4 (2) Establishing timeframes for participating counties to
5 submit an implementation plan, enter into terms and conditions
6 for participation in the pilot program, train appropriate staff,
7 and accept applications from resource families.

8 (3) Entering into terms and conditions for participation in the
9 pilot by counties.

10 (4) Administering the pilot through the issuance of written
11 directives that shall have the same force and effect as
12 regulations. The directives shall be exempt from the rulemaking
13 provisions of the Administrative Procedure Act (Chapter 3.5
14 (commencing with Section 11340) of Part 1 of Division 3 of Title
15 2 of the Government Code.

16 (5) Approving and requiring the use of a single standard for
17 resource family home approval and permanency assessment.

18 (6) Adopting and requiring the use of standardized
19 documentation for the home approval and permanency
20 assessment of resource families.

21 (7) Requiring counties to monitor resource families including,
22 but not limited to, all of the following:

23 (A) Investigating complaints of resource families.

24 (B) Developing and monitoring resource family corrective
25 action plans to correct identified deficiencies and to rescind
26 resource family approval if compliance with corrective action
27 plans is not achieved.

28 (8) Ongoing oversight and monitoring of county systems and
29 operations including all of the following:

30 (A) Reviewing the county's implementation of the pilot
31 program.

32 (B) Reviewing an adequate number of approved resource
33 families in each participating county to ensure that approval
34 standards are being properly applied. The review shall include
35 case file documentation, and may include on-site inspection of
36 individual resource families. The review shall occur on an
37 annual basis, and more frequently if the department becomes
38 aware that a participating county is experiencing a
39 disproportionate number of complaints against individual
40 resource family homes.

1 (C) Reviewing county reports of serious complaints and
2 incidents involving approved resource families, as determined
3 necessary by the department. The department may conduct an
4 independent review of the complaint or incident and change the
5 findings depending on the results of its investigation.

6 (D) Investigating unresolved complaints against participating
7 counties.

8 (E) Requiring corrective action of counties that are not in full
9 compliance with the terms and conditions of the pilot program.

10 (9) Terminating the participation of any county that fails to
11 make corrective action or who otherwise violates the terms and
12 conditions of participation in the pilot.

13 (10) Preparing or having prepared within 180 days after the
14 conclusion of the pilot a report on the results of the pilot. The
15 report shall include all of the following:

16 (A) An analysis, utilizing available data, of state and federal
17 data indicators related to the length of time to permanency
18 including reunification, guardianship and adoption, child safety
19 factors, and placement stability.

20 (B) An analysis of resource family recruitment and retention
21 elements, including resource family satisfaction with approval
22 processes and changes regarding the population of available
23 resource families.

24 (C) An analysis of cost, utilizing available data, including
25 funding sources.

26 (f) Counties participating in the pilot shall be responsible for
27 all of the following:

28 (1) Submitting an implementation plan, entering into terms
29 and conditions for participation in the pilot, training appropriate
30 staff, and accepting applications from resource families within
31 the time frames established by the department.

32 (2) Complying with the written directives pursuant to
33 paragraph (4) of subdivision (e).

34 (3) Implementing the requirements for resource family home
35 approval and permanency assessment and utilizing standardized
36 documentation established by the department.

37 (4) Ensuring staff have the education and experience
38 necessary to complete the home approval and permanency
39 assessment competently.

- 1 (5) Approving and denying resource family applications,
2 including all of the following:
- 3 (A) Rescinding home approvals and resource family approvals
4 where appropriate, consistent with the established standard.
- 5 (B) Providing disapproved resource families requesting
6 review of that decision due process by conducting county
7 grievance reviews pursuant to the department's regulations.
- 8 (C) Notifying the department of any decisions denying a
9 resource family's application or rescinding the approval of a
10 resource family.
- 11 (6) Updating resource family approval annually.
- 12 (7) Monitoring resource families through all of the following:
- 13 (A) Ensuring that social workers who identify a condition in
14 the home that may not meet the approval standards set forth in
15 subdivision (d) while in the course of a routine visit to children
16 placed with a resource family take appropriate action as needed.
- 17 (B) Requiring resource families to comply with corrective
18 action plans as necessary to correct identified deficiencies. If
19 corrective action is not completed as specified in the plan, the
20 county may rescind the resource family approval.
- 21 (C) Requiring resource families to report to the county child
22 welfare agency any incidents consistent with the reporting
23 requirements for licensed foster family homes.
- 24 (8) Investigating all complaints against a resource family and
25 taking action as necessary. This shall include investigating any
26 incidents reported about a resource family indicating that the
27 approval standard is not being maintained.
- 28 (A) The child's social worker shall not conduct the formal
29 investigation into the complaint received concerning the
30 approved or pending resource family. To the extent that adequate
31 resources are available, complaints shall be investigated by the
32 nonapproving social worker.
- 33 (B) Upon conclusion of the complaint investigation, the final
34 disposition shall be reviewed and approved by a supervising staff
35 member.
- 36 (C) The department shall be notified of any serious incidents
37 or serious complaints or any incident that falls within the
38 definition of Section 11165.5 of the Penal Code. If those
39 incidents or complaints result in an investigation, the department

1 shall also be notified as to the status and disposition of that
2 investigation.

3 (9) Performing corrective action as required by the
4 department.

5 (10) Assessing county performance in related areas of the
6 California Child and Family Services Review, and remedying
7 problems identified.

8 (11) Submitting information and data that the department
9 determines is necessary to study, monitor, and prepare the report
10 specified in paragraph (10) of subdivision (e).

11 (g) (1) The Department of Justice shall deem criminal records
12 information requests made by counties or the department for
13 applicant and approved resource families as criminal records
14 information requests for prospective adoptive families, including
15 requests for subsequent arrest notification.

16 (2) When a resource family moves to another county, the
17 Department of Justice shall provide the new county of residence
18 subsequent arrest notification for that resource family.

19 (h) Approved relatives and nonrelated extended family
20 members, licensed foster family homes, or approved adoptive
21 homes that have completed the license or approval process prior
22 to full implementation of the pilot program shall not be
23 considered part of the pilot program. The otherwise applicable
24 assessment and oversight processes shall continue to be
25 administered for families and facilities not included in the pilot
26 program.

27 (i) Upon completion of the pilot program, the status of the
28 resource family's approval shall continue in full force and effect,
29 and the resource family shall be deemed approved for licensing,
30 relative and nonrelated extended family member approval, and
31 adoption purposes.

32 (j) The department may waive regulations that pose a barrier
33 to implementation and operation of this pilot program.

34 (k) Resource families approved under this pilot program, who
35 move within a participating county or who move to another pilot
36 program county, shall retain the status as a resource family if the
37 new building and grounds, outdoor activity areas, and storage
38 areas meet home approval standards.

39 (l) A resource family approved under this pilot program and
40 who moves to a nonparticipating pilot program county shall lose

1 *the status as a resource family. The new county of residence shall*
2 *deem this family approved for licensing, relative and nonrelated*
3 *extended family member approval, and adoption purposes, if the*
4 *new building and grounds, outdoor activity areas, and storage*
5 *areas meet applicable standards.*

6 ~~(d) It is the intent of the Legislature that all of the following~~
7 ~~shall occur as a result of the pilot program:~~

8 ~~(1) The pilot program shall improve safety, permanency, and~~
9 ~~well-being for children in the child welfare system, consistent~~
10 ~~with the federal child welfare outcomes and the Child Welfare~~
11 ~~System Improvement and Accountability Act of 2001 (Chapter~~
12 ~~678 of the Statutes of 2001), by enabling families to become~~
13 ~~licensed or approved foster parents, and also be approved as~~
14 ~~adoptive parents, via a single process, rather than the existing~~
15 ~~multiple steps that are required.~~

16 ~~(2) The assessment and preparation of resource families caring~~
17 ~~for children in out-of-home placement shall enhance the safety~~
18 ~~and protection of children, be family focused and~~
19 ~~neighborhood-based, promote timely reunification, adoption, or~~
20 ~~guardianship for children with suitable families, and seek to~~
21 ~~minimize the number of placement changes for children.~~

22 ~~(3) A resource family shall honor the child's natural~~
23 ~~connections and promote the goal that the best interests of the~~
24 ~~foster child remain the central focus during the placement and~~
25 ~~decisionmaking processes.~~

26 ~~(4) The pilot program shall include effective system oversight~~
27 ~~and accountability, and shall provide appropriate due process~~
28 ~~procedures for resource families.~~

29 ~~(5) A resource family shall meet the single home approval and~~
30 ~~permanency assessment standard, regardless of the child's case~~
31 ~~plan goal, or the resource family's long-term care provision~~
32 ~~goals.~~

33 ~~(e)~~

34 ~~(m) Implementation of the pilot program shall be contingent~~
35 ~~upon the continued availability of federal Social Security Act~~
36 ~~Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with~~
37 ~~placement of children with resource families assessed and~~
38 ~~approved under the program.~~

39 ~~(f)~~

1 (n) Notwithstanding Section 11402, a child placed with a
2 resource family shall be eligible for AFDC-FC payments. A
3 resource family shall be paid an AFDC-FC rate pursuant to
4 Sections 11460 and 11461. Sharing ratios for nonfederal
5 expenditures for all costs associated with activities related to the
6 approval of relatives and nonrelated extended family members
7 shall be in accordance with Section 10101.

8 (o) *Neither the Department of Justice nor the State*
9 *Department of Social Services may charge any additional fee for*
10 *the criminal records clearance required pursuant to this section.*

11 (p) *Approved resource families under this pilot program shall*
12 *be exempt from all of the following:*

13 (1) *Licensure requirements set forth under the Community*
14 *Care Facilities Act, commencing with Section 1500 of the of the*
15 *Health and Safety Code and all regulations promulgated thereto.*

16 (2) *Relative and nonrelated extended family member approval*
17 *requirements set forth under Sections 309, 361.4, and 362.7, and*
18 *all regulations promulgated thereto.*

19 (3) *Adoptions approval and reporting requirements set forth*
20 *under Sections 8712 and 8715 of the Family Code, and all*
21 *regulations promulgated thereto.*

22 ~~(g)~~

23 (q) The pilot program shall be authorized to continue through
24 the end of the 2009–10 fiscal year, or through the end of the third
25 full fiscal year following the date that funds are made available
26 for its implementation, whichever of these dates is later.